

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-1046V

Filed: February 10, 2016

Unpublished

\*\*\*\*\*

DAINA COCCIARDI,	*	
	*	
Petitioner,	*	Damages Decision Based on Proffer;
	*	Influenza ("Flu") Vaccination;
	*	Shoulder Injury Related to Vaccine
SECRETARY OF HEALTH	*	Administration ("SIRVA"); Special
AND HUMAN SERVICES,	*	Processing Unit ("SPU")
	*	
Respondent.	*	
	*	

\*\*\*\*\*

*Bruce William Slane, Law Office of Bruce W. Slane, P.C., White Plains, NY, for petitioner.*

*Amy Paula Kokot, U.S. Department of Justice, Washington, DC, for respondent.*

### **DECISION AWARDING DAMAGES<sup>1</sup>**

**Dorsey**, Chief Special Master:

On September 21, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the "Vaccine Act" or "Program"]. Petitioner alleges that she suffered "right shoulder injuries [which] were caused-in-fact by her November 11, 2013 influenza vaccination." Petition, ¶ 27. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 22, 2016, a ruling on entitlement was issued, finding petitioner entitled to compensation for her Shoulder Injury Related to Vaccine Administration ("SIRVA"). On February 9, 2016, respondent filed a proffer on award of compensation

---

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

["Proffer"] indicating petitioner should be awarded \$125,000.00. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered award.

Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner a lump sum payment of \$125,000.00 in the form of a check payable to petitioner, Daina Cocciardi.** This amount represents compensation for all damages that would be available under § 300aa-15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master

---

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.



Respectfully submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

RUPA BHATTACHARYYA  
Director  
Torts Branch, Civil Division

VINCENT J. MATANOSKI  
Deputy Director  
Torts Branch, Civil Division

GLENN A. MACLEOD  
Senior Trial Counsel  
Torts Branch, Civil Division

s/Amy P. Kokot  
AMY P. KOKOT  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Ben Franklin Station  
Washington, DC 20044-0146  
Tel.: (202) 616-4118

Dated: February 9, 2016